

■ APPENDIX XIX

COPS
Problem-Based Learning/
Police Training Officer Program
Sample
Learning Activity Packages
(LAPs)

PROBLEM-ORIENTED POLICING

Introduction

Problem-oriented policing (POP), developed by Herman Goldstein (1979), is a comprehensive framework for improving law enforcement's capacity to perform job functions. POP seeks to shift from a reactive, instance-oriented stance to one that actively addresses problems that continually drain police resources. This framework encourages police to think differently about their purpose, arguing problem resolution is the true work of police and police should actively identify and address the root causes of problems in a community that lead to repeat calls for service.

A core concept of POP is comprehensive problem analysis. POP looks for the deepest underlying conditions that are amenable to intervention, balancing what is knowable with what is possible.

Problem analysis involves four in-depth phases, including: 1) fully describing the problem, 2) describing multiple and conflicting interests, 3) describing the nature and costs of harm resulting from the problem, and 4) taking inventory and critiquing current responses. Thorough problem analysis enables police to begin the problem-solving process by determining the level of police responsibility for addressing the problem, identifying and developing problem-solving strategies, and evaluating their solution's effectiveness.

While there are many measures of problem-solving success, the general objective of POP is to decrease the harm caused by patterns of chronic offensive behavior and to increase the range of police responses to crime. Comprehensive evaluations of problem-solving solutions are necessary to determine the value of the police response.

Outcomes

This Learning Activity Package discusses the concept of POP and the role of law enforcement in problem solving in the community. After completion of this LAP, the officer will be able to:

- Discuss key concepts of POP
- Discuss the problem analysis and problem-solving processes
- Identify and thoroughly analyze a problem in the community, developing a problem-oriented policing strategy to address root causes of the problem
- Develop a plan to measure the success of the strategy
- Determine who should be involved in the problem-solving process

Comprehensive Questions

- What is POP? What are the goals of this policing concept?
- What are the five operational strategies of policing?
- What are the problem-solving steps? What are the goals of each step?

Application

Identify and analyze a chronic crime problem in your community, carefully addressing each element in the analysis phase. Work through the problem-solving process and develop a strategy for addressing the problem. How would you implement this strategy and measure its effectiveness? Who should you involve in this process?

Resources and Additional Reading

Scott, M. S. (October, 2000). *Problem-Oriented Policing: Reflections on the First 20 Years*.

Washington, DC: Office of Community-Oriented Policing Services (COPS Office). [Online] Available: http://www.usdoj.gov/cops/cp_resources/default.htm#problem_oriented_policing_first_20

National Institute of Justice, Police Executive Research Forum, Office of Community-Oriented Policing. (2000). *Excellence in Problem-Oriented Policing: The 2000 Herman Goldstein Award Winners*. (NCJ No. 185279). [Online] Available: www.ncjrs.org

Office of Community-Oriented Policing (COPS Office). (April, 1998). Problem-solving tips: A guide to reducing crime and disorder through problem-solving partnerships. *COPS Tips*. [Online] Available: www.ncjrs.org or www.usdoj.gov/cops

COMMUNITY POLICING

Introduction

Community-oriented policing is a policing philosophy based on collaborative partnerships between police and the community. While community-oriented policing strategies vary according to the needs and responses of the community involved, there are certain basic principles common to all community policing efforts. These basic principles include: 1) community partnership, and 2) problem-solving.

Community Partnership: To develop the collaborative relationships necessary for community policing, police must establish and maintain mutual trust with the community. The idea behind this principle is that trust is built by increasing the positive daily interactions with community members. As patrol officers provide the majority of service needs for their community and become familiar with the daily working of the community and its members, trusting relationships will develop and enable collaborative problem-solving efforts to more effectively address crime and disorder.

Problem-solving: Problem-solving is a valid and important policing function in the community. As police become familiar with community members, concerns, crime problems and available resources, they will be more capable of identifying the root causes of community problems and applying effective solutions. As trusting relationships are developed, the community will want to take an active role in helping the police to identify the causes of crime problems, prioritize their concerns and help develop solutions. Community trust will also facilitate cooperation from community members to provide information necessary for crime solving in the area.

In general, community policing requires the active participation of all facets of the community and seeks to involve the community in sharing the responsibility of crime prevention with the police. Using problem-solving techniques, this approach facilitates a process for identifying community concerns and developing potential solutions to improve police effectiveness and community relationships. Central to this philosophy is working with the community to identify and address their crime and disorder priorities, rather than the priorities of the department or jurisdiction at-large.

Outcomes

This Learning Activity Package discusses the community-oriented policing approach and how this approach improves community relationships and police crime-solving ability. After completion of this LAP, the patrol officer will be able to:

- Explain the philosophy of community-oriented policing and describe the core elements of this approach
- Discuss the benefits of community policing and cite successful applications of the community policing approach

- Discuss how community-oriented policing activities build the relationships necessary to facilitate effective problem-solving
- Identify community crime and disorder issues in their community that may be reduced by increasing community-policing activities
- Develop a plan to incorporate community-oriented policing activities into daily policing and patrol routines

Comprehensive Questions

- Discuss the trends toward community policing over the past decade. Why was this approach necessary and why has this approach helped to reduce street crime?
- Discuss the philosophy of community-oriented policing. Specifically: Why are community partnerships beneficial? What are the law enforcement benefits of participating in community-oriented policing activities and developing these partnerships? What are the community's benefits?
- How does community-oriented policing impact police crime-solving and crime prevention efforts in the community?

Application

Identify and list opportunities for community-oriented policing activities in your community. Include both opportunities for relationship building and problem-solving activities. Develop a plan to use the opportunities to incorporate community-oriented policing activities in your daily policing/patrol activities. Describe how you would identify key community concerns and initiate a problem-solving effort with your community members during these activities and interactions.

Resources and Additional Reading

Bureau of Justice Assistance (BJA) (1994). *Understanding Community Policing: A Framework for Action*. (NCJ No. 148457). [Online] Available: www.communitypolicing.org/chap1fw.html

Community Policing Consortium (CPC) (2001). *About Community Policing* [Online] Available: www.communitypolicing.org.about2.html

National Institute of Justice (NIJ) (August 2001). The COPS program after 4 years—National evaluation *NIJ Research in Brief* [Online] Available: <http://www.ojp.usdoj.gov/nij/pubs-sum/183643.htm>

National Institute of Justice (NIJ) (July 1996). Law enforcement in a time of community policing *NIJ Research in Brief*. [Online] Available: <http://www.ojp.usdoj.gov/nij/pubs-sum/184389.htm>

FIELD INTERROGATIONS: STOP AND FRISK

Introduction

Field interrogations are an important responsibility of the patrol officer, especially in high crime areas. These procedures (often referred to as “stop and frisk” or “*Terry* stops”) are one tool for evaluating suspicious circumstances or investigating situations where crime may be imminent. While stop and frisk is an important policing tool, the use of these procedures must be balanced with the citizen’s rights as afforded by the Fourth Amendment. The Fourth Amendment states citizens have the right to be protected against unreasonable seizure (stop) and search (frisk).

In *Terry v. Ohio* (1968) the U.S. Supreme Court affirmed that patrol officers have a *duty to investigate observed suspicious activity* and an *absolute right to protect themselves* by frisking for weapons. The Supreme Court upheld the constitutionality of stop and frisk under specific guidelines. In general, these guidelines require two levels of suspicion for the officer: 1) to make a stop, and 2) to frisk the suspect.

For a Stop: An officer may stop someone on the street in situations where there is *reasonable suspicion* to believe that the individual may be engaged in criminal activity. A stop requires the officer to: 1) identify himself/herself as a police officer, and 2) make a reasonable inquiry as to the person’s identity. **A stop does not automatically justify a frisk.**

For a Frisk:

If after stopping the suspect: 1) nothing in the initial stages of the encounter dispels the officer’s reasonable fear for his own or others’ safety, and 2) the officer has reasonable suspicion to believe the person is armed and presently dangerous, then the officer may conduct a search (frisk) for weapons only over the outer clothing of the suspect.

Plain Feel Doctrine:

In 1993, the Supreme Court expanded stop and frisk procedures to include the “plain feel” doctrine, meaning police officers can seize items detected during a frisk for weapons, as long as “plain feel” makes it “immediately apparent” that the item is contraband. Otherwise, objects may not be removed from a suspect’s clothing during a frisk.

Outcomes

This Learning Activity Package will enable the officer to identify circumstances where field interrogations or “stop and frisks” are appropriate and constitutionally permissible. Following the completion of this LAP, you will be able to:

- Discuss the balance between the Fourth Amendment’s protection against unreasonable search and seizure and an officer’s duty to ensure the safety of himself and others

- Cite the requirements for stop and frisk as outlined in *Terry v. Ohio* (1968). Provide examples of circumstances that do and do not meet the requirements for a stop and frisk.
- Explain the “plain feel” doctrine and guidelines for seizing contraband during a frisk. Provide examples of situations in which items may or may not be seized from a suspect during a frisk.
- Determine when a frisk becomes a search incident to arrest

Comprehensive Questions

- What level of suspicion is necessary for a field interrogation or stop? When should a stop be concluded?
- What level of suspicion is necessary for a frisk? How would you test the circumstances to ensure the situation meets the correct level of suspicion?
- What did the Supreme Court determine permissible under the “plain feel” doctrine?
- When does a frisk become a search incident to arrest?
- Why is “stop and frisk” important to a police officer’s responsibility to ensure public safety?
- What rights does the Fourth Amendment guarantee and why is it important to ensure these rights?
- How does “stop and frisk” impact police-citizen relations?

Application

Create a scenario in which you would stop and frisk a suspect. Articulate the reasons for your stop, what you would do during the stop, and what circumstances would require you to: 1) end the stop, and 2) frisk the suspect. According to the plain feel doctrine, what items may and may not be removed from the suspect’s clothing during the frisk?

Resources and Additional Reading

FindLaw: U.S. Constitution: Fourth Amendment. [Online] Available:
<http://caselaw.lp.findlaw.com/data/constitution/amendment04/index.html>

FindLaw: Cases and Codes: *Terry v. Ohio*. [Online] Available: <http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?navby=case&court=us&vol=392&invol=1>

Stop and Frisk. [Online] Available: http://members.tripod.com/~Methos_5000/stopfrisk.html

Terry v. Ohio, 392, U.S. 1 (1968)

CUSTODIAL INTERROGATIONS: MIRANDA WARNINGS

Introduction

Custodial interrogations refer to the “questioning initiated by law enforcement officers after a person has been taken into custody.” Due to the “inherently coercive environment”¹ of these interrogations, our legal system has continually challenged the validity of these confessions. To preserve the integrity of our justice system, citizens must be advised of their rights as guaranteed by the Fourth, Fifth, Sixth and Fourteenth Amendments.

In *Miranda v. Arizona* (1966), the U.S. Supreme Court set standards for ensuring suspects are aware of these rights and that they are not violated during interrogation. The holding in *Miranda v. Arizona* requires “prior to interrogation, the person must be warned that he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has the right to an attorney, either retained or appointed”².

For a suspect’s confession to be admissible in court, the confession must be made knowingly, voluntarily and intelligently. Initially, a suspect may waive these rights, but can choose to invoke them at any time during interrogation to stop the questioning. Requiring police officers to read rights or “Miranda warnings” provides a procedural safeguard that ensures suspects are afforded every right guaranteed to them as citizens, and that the integrity of a confession made in a custodial interrogation be maintained during court proceedings.

Individual state or department policies may guide when and how Miranda warnings will be issued. Most commonly, Miranda warnings are issued after taking a suspect into custody and prior to formal questioning. Signed waivers may be required once a suspect has chosen to relinquish these rights. As a general rule, when questioning a suspect in custody about an incident that may result in inculpatory statements, the police officer should inform the suspect of their rights.

Outcomes

This Learning Activity Package reviews the history of *Miranda v. Arizona* and subsequent U.S. Supreme Court case decisions relevant to custodial interrogations and confessions. After completing this package, officers will be able to:

¹ *Miranda v. Arizona*, 384 U.S. 436 (1966)

² *Ibid*

- Describe the importance of Miranda warnings in maintaining the integrity of a suspect's confession and ensuring a suspect's rights are not violated
- Properly read Miranda warnings to a suspect
- Identify how and when Miranda warnings should be issued, as outlined by the U.S. Supreme Court in *Miranda v. Arizona* and according to state statutes and/or department policy
- Know what to do if a suspect invokes his or her rights
- Determine when statements should be obtained in writing and when a signed waiver of rights should be obtained

Comprehensive Questions

- What was the U.S. Supreme Court's decision in *Miranda v. Arizona*?
- What is the importance of reading a suspect their rights?
- Why is the *Miranda* decision important to you as a law enforcement officer? How does this impact you in carrying out your job responsibilities?
- What are your state/department guidelines regarding when Miranda warnings should be read?
- What should you do when a suspect invokes their rights? Waives their rights?
- When should you obtain a signed waiver of rights? Written statements or confessions?

Application

Obtain a copy of your department's guidelines for when and how a suspect should be read their rights and commit this to memory. Practice reading the Miranda warning. Create a scenario in which the suspect waives their rights. What should you do? Create a scenario in which the suspect invokes their rights. What should you do?

Resources and Additional Reading

Miranda v. Arizona, 384, U.S. 436 (1966)

FindLaw: Cases and Codes: U.S. Constitution [Online] Available:

<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=search&court=US&case=/us/384/436.html>

FindLaw: U.S. Constitution: Fifth Amendment: Annotations pg. 9 of 16. [Online] Available:

<http://www.ziffdavis.com/13/http://.ta/constitution.amendment05/09.html>